



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

VIA ECF

Honorable Valerie E. Caproni
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

86 Chambers Street
New York, New York 10007

March 19, 2021

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 3/22/2021

Re: *National Audubon Society, et al. v. U.S. Fish and Wildlife Service, et al.*,
21 Civ. 448 (VEC)

State of New York, et al. v. U.S. Department of the Interior, et al.,
21 Civ. 452 (VEC)

Dear Judge Caproni:

This Office represents defendants U.S. Department of the Interior (“DOI”) and U.S. Fish and Wildlife Service (together, “Defendants”), in the two consolidated actions referenced above. We write respectfully to request a short extension of the following deadlines and an adjournment of the initial conference scheduled for April 2, 2021, at 10:30 a.m., as set forth below:

- Joint letter and proposed case management plan, as directed by the Court’s Notice of Initial Pretrial Conference dated February 3, 2021 [ECF No. 25]: from March 25, 2021, to March 30, 2021;
- Defendants’ response to the complaint in *State of New York, et al. v. U.S. Department of the Interior, et al.*, 21 Civ. 452 (VEC): from March 25, 2021, to April 6, 2021;
- Initial Pretrial Conference: from April 2, 2021, at 10:30 a.m., to April 8, 2021 or April 9, 2021; and
- Defendants’ response to the complaint in *National Audubon Society, et al. v. U.S. Fish and Wildlife Service, et al.*, 21 Civ. 448 (VEC): from March 30, 2021, to April 12, 2021.

Defendants are in the process of scheduling a conference call with Plaintiffs and the Acting Solicitor of DOI during the week of March 22, 2021, to discuss the underlying regulation at issue in both cases. See “Regulations Governing Take of Migratory Birds,” 86 Fed. Reg. 1134 (Jan. 7, 2021). Because this call may better inform the parties’ current positions with respect to these consolidated cases, and the undersigned attorney will be on leave during the latter half of the week of March 29, 2021, Defendants respectfully request an adjournment of the April 2, 2021 conference and a limited extension of the deadlines above. This is Defendants’ first request

for an extension of these deadlines and an adjournment of the initial conference. Plaintiffs have consented to this request.

We thank the Court for its consideration of this request.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

By: /s/ Tomoko Onozawa
TOMOKO ONOZAWA
Assistant United States Attorney
Telephone: (212) 637-2721
Facsimile: (212) 637-2717
E-mail: tomoko.onozawa@usdoj.gov

cc: All Counsel of Record (via ECF)

The April 2, 2021 IPTC is ADJOURNED to **April 9, 2021, at 1:00 p.m.** The parties' joint letter and proposed Case Management Plan are due not later than **April 1, 2021**. Defendants' responses to the complaints in both actions are due not later than **April 12, 2021**. The parties are reminded to file all further submissions in this consolidated case only under docket number 21-CV-448.

SO ORDERED.


3/22/2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE